

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

S.R. a minor child by and through his guardian  
RAE ANDREACCHIO and as  
Wrongful Death  
Beneficiaries and as survivors of  
MIRANDA MUSGROVE

PLAINTIFF

V.

CIVIL ACTION NO. : 3:19-cv-737-CWR-FKB

SCOTT COUNTY, MISSISSIPPI;  
ZAC HOLLAND;  
CODY MAY;  
MIKE LEE; and  
JOHN DOES 1-5

DEFENDANTS

NOTICE OF REMOVAL

Come now, Scott County, Mississippi ("Scott County"), and Sheriff Mike Lee ("Sheriff Lee"), by and through counsel, and file their Notice of Removal of this civil action from the Circuit Court of Scott County, Mississippi, to the United States District Court for the Southern District of Mississippi, Northern Division. In support of the same, the removing defendants would show unto the Court as follows:

1. Scott County and Sheriff Lee have been named as Defendants in a lawsuit filed September 9, 2019, styled: *S. R. a minor child by and through his guardian Kelly Musgrove and as Wrongful Death Beneficiaries and as survivors of Miranda Musgrove v. Scott County, Mississippi; and Zac Holland; Cody May; Mike Lee; and and John Does 1-10*. The same is now pending in the Circuit Court of the Scott County, Mississippi, being cause number 2019-cv-361-SC-CC. A copy of the Complaint in this cause is attached hereto as **Exhibit A** and incorporated herein by reference.

2. Plaintiff filed a First Amended Complaint on or about September 16, 2019. A copy of the First Amended Complaint in this cause is attached hereto as **Exhibit B** and incorporated herein by reference.

3. Process was served on Scott County and Sheriff Lee on September 24, 2019 and an answer or responsive pleadings are due on or before October 24, 2019. Thus, the time for removal has not yet expired.

4. All properly served defendants, at the time of this removal, consent to this removal.

5. Plaintiff's civil action is an action to recover damages for alleged deprivation of rights emanating from the United States Constitution, federal statutes, and under the laws of Mississippi. See *Complaint*, ¶ 1.

6. Moving defendants hereby remove this case pursuant to 28 U.S.C. § 1331 as this court has original jurisdiction over federal questions such as those alleged by the Plaintiffs under the United States Constitution and federal statutes.

7. The United States District Court for the Southern District of Mississippi, Northern Division has jurisdiction over this matter and is the proper venue for this action as the events allegedly giving rise to the suit occurred in Scott County, Mississippi, and Plaintiff's Complaint and First Amended Complaint was filed in the Circuit Court of the Scott County, Mississippi.

WHEREFORE PREMISES CONSIDERED, Defendants, Scott County, Mississippi and Sheriff Mike Lee pray that this Court accept this Notice of Removal and further pray for any other appropriate relief that this Court deems proper.

**DATE:           October 15, 2019.**

Respectfully submitted,

**SCOTT COUNTY, MISSISSIPPI  
AND SHERIFF MIKE LEE**

BY:    /s/William R. Allen  
          One of Their Attorneys

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**CERTIFICATE**

I, the undersigned, of Allen, Allen, Breeland & Allen, PLLC, attorneys of record for defendants, Scott County, Mississippi and Sheriff Mike Lee, hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing Notice of Removal to:

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*Attorneys for Defendants, Zac Holland and Cody May*

This the 15<sup>th</sup> day of October, 2019.

/s/William R. Allen  
**OF COUNSEL**